IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10297 of 1997

Between:

1 N.Linga Reddy, S/o. Krishna Reddy.
R/o. Nandipet Village and mandal, Nizamabad.
2 Areshpally Mallaiah, S/o. Ganga Rao.
R/o. Nandipet Village and mandal, Nizamabad.
3 N.Vittal Reddy, S/o. Kista Reddy.
R/o. Nandipet Village and mandal, Nizamabad.
4 N.Machender Reddy, S/o. Kishta Reddy.
R/o. Nandipet Village and mandal, Nizamabad.
5 N.Mohan Reddy, S/o. Kishta Reddy.
R/o. Nandipet Village and mandal, Nizamabad.
6 Indoor Linganna, S/o. chinnaiah,
R/o. Nandipet Village and mandal, Nizamabad.
7 B.Venkati, S/o. Poshalu,
R/o. Nandipet Village and mandal, Nizamabad.
8 Kummarai Sayanna, S/o. Sayanna.
R/o. Nandipet Village and mandal, Nizamabad.
9 Bhoi Sayanna, S/o. Pochanna.
R/o. Nandipet Village and mandal, Nizamabad.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Nizamabad.
2 The Mandal Revenue Officer, Nandipet Mandal, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction and more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in ordering eviction of

petitioners in No. A-2806/1996 dated 28/04/1997 as illegal, arbitrary, without jurisdiction against the principles of natural justice and void and pass.

Counsel for the Petitioner:MR.J.SIDDAIAH

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10725 of 1997

Between:

1 Buka Gangadhar S/o Venkatram
R/o Nandipet (V & M,) Nizamabad District.
2 Smt.Yamuka Bai W/o Gangaram
R/o Nandipet (V & M,) Nizamabad District.
3 Ummeda Poshetty S/o Karrenna
R/o Nandipet (V & M,) Nizamabad District.
4 Chinta Narsaiah
R/o Nandipet (V & M,) Nizamabad District.
5 Dharma Chinnaiah S/o Poshetty
R/o Nandipet (V & M,) Nizamabad District.
6 Ureti Gangaram
R/o Nandipet (V & M,) Nizamabad District.
7 Ureti Ramulu S/o Gangaram
R/o Nandipet (V & M,) Nizamabad District.
8 Bandi Subhash Goud S/o Rama Goud
R/o Nandipet (V & M,) Nizamabad District.
9 Smt.Bandi Vijayalakshmi W/o Vittalgoud
R/o Nandipet (V & M,) Nizamabad District.
10 Bandi Sivarama Goud S/o Naragoud
R/o Nandipet (V & M,) Nizamabad District.

..... PETITIONERS

AND

1 Revenue Divisional Officer, Nizamabad.
2 Mandal Revenue Officer, Nandipet Mandal, Nandipet, Nizamabad district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in ordering eviction of petitioners in No.A2806/96 dt,./28-4-97 as illegal, arbitrary, without jurisdiction and against the principles of natural justice.

Counsel for the Petitioner:MR.J.SIDDAIAH

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court made the following :

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COMMON ORDER:

Since the question that falls for consideration in these two writ petitions is one and the same, the same be disposed of by a common order.

The two writ petitions are filed under Article 226 of the Constitution of India seeking a writ of mandamus, to declare the action of the 2nd respondent-Mandal Revenue Officer, Nandipet Mandal, Nizamabad District, ordering eviction of the petitioners vide proceedings No. A2806/96 dated 28-04-1997, as illegal and arbitrary and without jurisdiction.

It is stated that all the writ petitioners were landless poor persons and illiterates. The 2nd respondent-Mandal Revenue Officer issued a show cause notice No.A5/806/96 dated
10-04-1996 to the petitioners threatening them to evict from their lands, which were in their possession. It is also stated that the 2nd respondent-Mandal Revenue Officer issued impugned proceedings dated 28-04-1997 directing the Mandal Revenue Inspector to take over the possession of the lands on the same day itself i.e. on 28-04-1997 under a Panchanama. It is further stated that the writ petitioners made representations dated
03-05-1997, for grant of stay of impugned orders to the 1st respondent-Revenue Divisional Officer,Nizamabad. The grievance of the writ petitioners is that the 1st respondent-Revenue Divisional Officer, having received the said representations, did not pass any orders so far. Aggrieved by the inaction of

the 1st respondent in passing any orders, the present two writ petitions have been filed. This Court on 13-05-1997, while admitted the writ petitions, granted interim stay of dispossession.

In the respective counter affidavits, specific stand had been taken by the 2nd respondent-Mandal Revenue Officer that these writ petitioners were not landless poor persons. Several other allegations indetail had also been made in this regard.

The main grievance ventilated by the counsel for the writ petitioners is that reasonable opportunity had not been given to make representations in response to the show cause notice dated 10-04-1996, and hence the other consequential proceedings are liable to be quashed.

In the light of the averments made in the affidavit filed in support of the writ petitions and also the stand taken by the respondents in the counter affidavits, this court is not inclined to accept the submissions made by the learned counsel for the writ petitioners. However, in the peculiar facts of the case, since it is represented that reasonable opportunity had not been given by the 2nd respondent-Mandal Revenue Officer in this regard and in view of the fact that the 1st respondent-Revenue Divisional Officer, had not passed any orders on the representations dated 03-05-1997, it would be appropriate to direct the 1st respondent –Revenue Divisional Officer, Nizamabad, to dispose of the representations said to have been pending with him in relation to the subject matter of the writ petitions within a period of two months from the date of receipt of a copy of the order. In case, for any reason, such representations are not traceable in the office of the 1st respondent-Revenue Divisional Officer, the writ petitioners are at liberty to make fresh representations in this regard narrating the same subject matter of the writ petitions within a period of two weeks on receipt of the order and thereupon the 1st respondent-Revenue Divisional Officer, Nizamabad is directed to dispose of the same within the period specified supra.

With the above directions, the two writ petitions are disposed of. No costs.

15-02-2005.

MjI/*

To

1. The Revenue Divisional Officer, Nizamabad.
2. The Mandal Revenue Officer, Nandipet Mandal, Nizamabad.

3. 2 CCs to the G.P. for Revenue, High Court buildings, Hyderabad.

4. 2 CCs to the G.P. for Assignment, High Court buildings, Hyderabad.

5. 2 CD copies.